

1 BILL NO. Z-87-07-12
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3 ZONING MAP ORDINANCE NO. Z-7-12

Lisht

4 AN ORDINANCE amending the City of
5 Fort Wayne Zoning Map No. F-3.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
7 FORT WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is
9 hereby designated a POD (Professional Office District) under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

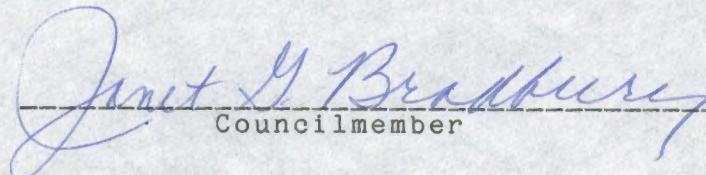
10 Lot Number One Highway Addition, EXCEPT the West 203.5
11 and EXCEPT the Highway in Wayne Township, Allen County,
Indiana, by metes and bounds described as follows, to
12 wit:

13 Commencing on the Northwesterly line of said Lot 1 at a
14 point situated 203.5 feet Northeasterly of the West
corner thereof; thence continuing Northeasterly on said
15 Lot line, a distance of 315.1 feet to an existing
concrete right-of-way monument; thence Southeasterly, a
16 distance of 34.0 feet (Plat 44.0) to an existing
concrete right-of-way monument on the Northwesterly
right-of-way of U.S. Highway No. 24, at a point
17 situated 528.6 feet Northeasterly of the intersection
of said right-of-way line by the Southwesterly line of
18 said Lot 1; thence Southwesterly on said North right-
of-way line of U.S. No. 24 on a 0 degree 58 minute,
19 more or less, circular curve right, a distance of 325.1
feet (Plat 321.6) to a point situated 203.5 feet
Northeasterly of the intersection of the said right-of-
way line by the Southwesterly line of said Lot 1;
20 thence Northwesterly by a deflection right of 101
degrees 23 minutes from the extension Southwesterly of
21 the subtended chord of the previous course, a distance
of 146.6 feet to the Point of Beginning; containing
22 0.64 acres, more or less.

23 Subject to all easements of record.

24 and the symbols of the City of Fort Wayne Zoning Map No.
25 F-3, as established by Section 11 of Chapter 33 of the Code
26 of the City of Fort Wayne, Indiana are hereby changed
27 accordingly.

28 SECTION 2. That this Ordinance shall be in full force
29 and effect from and after its passage and approval by the
30 Mayor.

31 
32 Councilmember

1 APPROVED AS TO FORM AND LEGALITY:
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3 BRUCE O. BOXBERGER, CITY ATTORNEY
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FOX RIVER BOND
2544 N. 100 E.

Read the first time in full and on motion by Bradbury
seconded by Redd, and duly adopted, read the second, t:
by title and referred to the Committee _____ (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____
, 19_____, at _____ o'clock _____.M.

DATE: 7-14-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Stier, and duly adopted, placed on _____
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>4</u>	<u>5</u>			
<u>BRADBURY</u>		<u>✓</u>			
<u>BURNS</u>	<u>✓</u>				
<u>EISBART</u>		<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>				
<u>HENRY</u>		<u>✓</u>			
<u>REDD</u>		<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>				
<u>STIER</u>		<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>				

DATE: 8-25-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____

on the _____ day of _____, 19_____, 19_____

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana

on the _____ day of _____, 19_____, 19_____

at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____

19_____, at the hour of _____ o'clock _____ M., E.S.T.

WIN MOSES, JR., MAYOR

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 2702

Ft. Wayne, Ind. 6-11 1987

RECEIVED FROM Burg, et al \$ 50.00
THE SUM OF fifty + 00 DOLLARS
ON ACCOUNT OF North Bend Dr.
re zoning facts.

AUTHORIZED SIGNATURE

THIS IS TO BE FILED IN DUPLICATE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

I/We _____ Ramesh Bhat

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an POD District the property described as follows:

(See attached legal description)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

North Bend & U.S. 24

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Ramesh Bhat

2458 Lake Avenue

X/Ramesh Bhat

Fort Wayne, IN

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

George Martin

(Name)

1400 Lincoln Tower

(Address & Zip Code)

426-1300

(Telephone Number)

Fort Wayne, IN 46802

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

DESCRIPTION

Lot Number One Highway Addition, EXCEPT the West 203.5 feet and EXCEPT the Highway in Wayne Township, Allen County, Indiana, by metes and bounds described as follows, to wit:

Commencing on the Northwesterly line of said Lot 1 at a point situated 203.5 feet Northeasterly of the West corner thereof; thence continuing Northeasterly on said Lot line, a distance of 315.1 feet to an existing concrete right-of-way monument; thence Southeasterly, a distance of 34.0 feet (Plat 44.0) to an existing concrete right-of-way monument on the Northwesterly right-of-way of U.S. Highway No. 24, at a point situated 528.6 feet Northeasterly of the intersection of said right-of-way line by the Southwesterly line of said Lot 1; thence Southwesterly on said North right-of-way line of U.S. No. 24 on a 0 degree 58 minute, more or less, circular curve right, a distance of 325.1 feet (Plat 321.6) to a point situated 203.5 feet Northeasterly of the intersection of the said right-of-way line by the Southwesterly line of said Lot 1; thence Northwesterly by a deflection right of 101 degrees 23 minutes from the extension Southwesterly of the subtended chord of the previous course, a distance of 146.6 feet to the Point of Beginning; containing 0.64 acres, more or less.

Subject to all easements of record.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-07-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 20, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 27, 1987.

Certified and signed this
30th day of July 1987.



Robert Hutner
Secretary

ORIGINAL

COUNCILMANIC DISTRICT No. _____

Admn. Appr. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Intersection of North Bend Drive & U. S. #24

3-87-07-12

EFFECT OF PASSAGE Property is presently zoned RA - Suburban Residential.

Property will become POD - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

**Division of Community
Development & Planning**

4-01-1987-12 BILL NUMBER

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		
From RA to POD		
DETAILS		
Specific Location and/or Address The intersection of North Bend Drive and W. Jefferson Blvd.		
Reason for Project New Medical Clinic		
Discussion (Including relationship to other Council actions) <u>20 July 1987 - Public Hearing</u> See Attached Minutes of Public Hearing		
<u>27 July 1987 - Business Meeting</u> Motion was made to return the ordinance to the Common Council with a DO PASS recommendation. Of the 7 members present 5 voted in favor of the recommendation one (1) voted against and one (1) did not vote. Motion carried. NOTE: Any conditions for a POD are placed on the primary development plan and must be satisfied prior to development plan approval.		
POSITIONS	RECOMMENDATIONS	
Sponsor	City Plan Commission	
Area Affected	City Wide	
	Other Areas	
Applicants/ Proponents	Applicant(s) Dr. Ramesh Bhat City Department Other	
Opponents	Groups or Individuals Diane Noble, Westmoor Assn Janet Lepper, 4932 No Bend Robt Vervalin, 5420 Maurane Basis of Opposition -add to traffic hazard in at intersection -detriment to area property values	
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against	
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition)	
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass	

DETAILS**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start**Date** June 11, 1987**Projected Completion or Occupancy****Date** July 30, 1987**Fact Sheet Prepared by****Date** July 30, 1987

Patricia Biancaniello

Reviewed by**Date***Gary Greco**August 5, 1987***Reference or Case Number**

- a. Bill No. Z-87-07-12 - Change of Zone #288
From RA to POD
Intersection of North Bend Drive & W. Jefferson Bl.

George Martin, attorney for petitioner Dr. Ramesh Bhat, appeared before the Commission. Mr. Martin stated that in 1967 the property was given approval by the Board of Zoning Approvals for use as a Doctor's Office. He stated that is all they propose to do with the property. He stated though that when it came time to develop the property they discovered that because of the new Sign Ordinance they could not have a sign in an RA District with the exception of a one square flush mounted sign. He stated that they have routed this office for construction and have approval to start construction for a medical office but what they need is

a sign that is why they were requesting the POD designation. He stated that Dr. Bhat intends to use the office for a medical clinic but that the POD would entitle them to allow other professional office uses and if Dr. Bhat is unable to fill his building with doctors they will avail themselves of that privilege. Mr. Martin stated he felt the rezoning was a "win-win" situation for everyone. He stated for his client he would get the use of a sign, for the neighborhood it will provide protections that are required in a POD that are not required at this time with the BZA approval. He stated that this location is not conducive to residential construction and doubted that a residence would be constructed on W. Jefferson Bl at this time. He stated that the office use is the highest and best use for this property. He stated he felt that this construction would help promote property values in the area because at present this is an undeveloped parcel overgrown with weeds. He stated that this development is consistent with the current conditions in the area. He stated that they have no problems with the conditions recommended by staff with regard to the primary development plan with the exception of the setbacks but felt that could be worked out.

Janet Bradbury stated that staff recommended a minimum of 4 feet landscape screen along west property line, but she stated she was more concerned with a 6 foot high screen along North Bend. She stated she did not see any provision for a 6 foot high screen on the rendering.

Mr. Martin stated that he received the staff comments on July 17, and the date on the drawing is June 13, and he stated they had no chance to make any changes^{possible} to reflect staffs recommendations, or to discuss with the staff what the changes should be. He stated that he agreed entirely with screening, even though this will be a well designed office building that blends in with the residential character of the area. He stated that they did not have any problem with providing screening.

The following people spoke in opposition to the proposed rezoning.

Pam (inaudible), resident of Reckweg Road.

Robert Vervalin, 5420 Maurane Drive

Janet Lepper, 4932 No Bend Drive

Diane Noble, President of Westmoor Neighborhood Assn

- intersection of Reckweg Road, North Bend Drive, and West Jefferson Bl is hazardous, this will add to an already dangerous

situation;

- felt the paraphernalia that is necessary to run an office use would cause an eyesore for the area (trash bins, utility lines);
- questioned how they would be able to widen W. Jefferson at this point if they allow for construction of an office development on this property;
- a resident was concerned that the property would not be maintained well, since it has not been maintained for the past 20 years;
- it was noted by one resident that if the zoning is approved that a 6 foot fence of screening of sometime should be made a condition to buffer the neighbors on North Bend Drive;

Diane Noble of the Westmoor Association representative stated that they would obviously prefer it stay residential but were understood that rezoning would be preferential to the developer, to the city and to them due to the existing Use Variance on the property. She stated that they were concerned about the noise and aesthetics but their major concern was the traffic hazard at that intersection and what the addition of more traffic at this intersection would cause.

In response to the question of widening W. Jefferson Bl., Mr. Greg Purcell, Executive Director of CD&P stated that at the Business Meeting on July 27, 1987 the PRC Group out of Chicago which has done a transportation study along the S.R. #14 and U.S. #24 corridor will be making a presentation to the Plan Commission, so the Plan Commission will have that information.

In rebuttal, George Martin stated that one of the reasons they are seeking the POD designation is to help with the traffic situation due to the lack of a sign not being allowed in the present zoning. He stated that this project has been reviewed and approved by traffic engineering with conditions. He stated that they are willing to meet the conditions of traffic engineering and they have also required that the developer submit a covenant which would cut off the use of the access on W. Jefferson once the frontage road is developed. He stated that they are not proposing to exit onto North Bend but onto W. Jefferson, it will be a right only. He stated the neighbors will be adequately screened.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-87-07-12

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. F-3

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~) No Recommendation.

YES

NO

JANET G. BRADBURY
CHAIRPERSON

CHARLES B. REDD
VICE CHAIRMAN

THOMAS C. HENRY

PAUL M. BURNS

BEN A. EISBART

CONCURRED IN 8-25-87

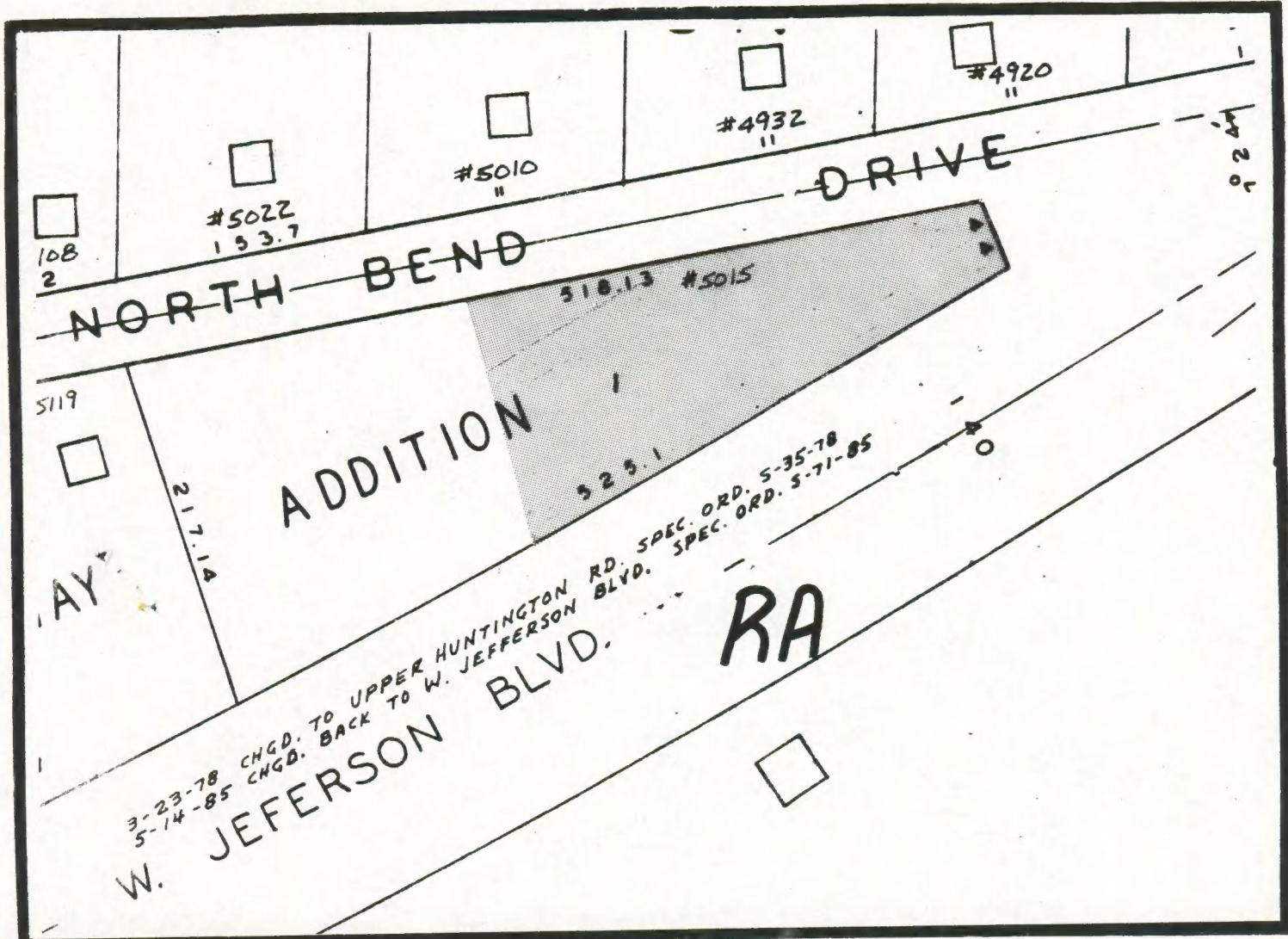
SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION #288

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM AN RA DISTRICT TO A P.O.D. DISTRICT.

MAP NO. F-3

COUNCILMANIC DISTRICT NO. 4



ZONING:

LAND USE:

RA RESIDENCE 'A'

SINGLE FAMILY

SCALE: 1"=100'

DATE: 6-30-87

